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8 UNITED STATES BANKRUPTCY COURT
9 FOR THE DISTRICT OF MONTANA

10 IN RE

11 KIFFLIN M. BAUER,
12 Debtor.
13
14

Case No. 07-60602

15 **FIRST AMENDED CHAPTER 13 PLAN (DATED August 13th 2007)**
16

17 1. The future earnings and other income of the Debtor is submitted to the
18 supervision and control of the Chapter 13 Standing Trustee as necessary for the execution of
19 this Plan, and Debtor shall pay to the Trustee the sum of:

20 Three Hundred Fifty-Five and 50/100 Dollars (\$355.50) each month until this Plan is
21 completed. It is contemplated that this Plan will take Sixty (60) months to complete.

22 2. From the payments so received, the Trustee shall make disbursements as
follows:

23 (a) Administrative Claims. In advance of all other claims, the Trustee shall
24 pay those claims, fees or charges specified in 11 U.S.C. § 507(a)(1), including Debtors'
attorneys' fees in the amount of One Thousand Twenty-Four Dollars (\$1,024.00).
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27

(b) Impaired Secured Claims. After payments provided for above, the Trustee shall pay allowed secured claims, as determined pursuant to 11 U.S.C. § 506(a), together with interest at the rate prescribed below from the date of confirmation, on a pro rata basis, as follows:

<u>Name of Creditor</u>	<u>Description of Collateral</u>	<u>Balance¹</u>	<u>Rate of Interest</u>
Green Tree	Homestead (1992 Trailer)	\$14,277.06	7%

Secured creditors shall retain their liens until their allowed secured claims have been paid in full, together with interest. In order for any unsecured deficiency to be allowed and paid, a proof of claim must be filed pursuant to Montana's Local Bankruptcy Rules.

(c) Unimpaired Secured Claims. The following secured creditors, whose claims will be left unimpaired by this Plan, are not provided for by this Plan and shall receive no payments through the Trustee except with regard to those arrearages specified below, if any:

<u>Name of Creditor</u>	<u>Description of Collateral</u>
Sterling Savings Bank	1999 Dodge Stratus

Concurrently with the payments on impaired secured claims specified above, the following arrearages on unimpaired secured claims, if any, shall be paid through the Trustee on a pro rata basis until the same have been paid in full:

<u>Name of Creditor</u>	<u>Amount of Arrearages</u>	<u>Interest Rate</u>
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N/A

(d) Priority Claims. After payments provided for above, the Trustee shall pay allowed claims entitled to priority in such order as specified in 11 U.S.C. § 507.

(e) Unsecured Claims. After the payments specified above, the Trustee shall pay dividends, to the extent possible, to allowed unsecured, nonpriority claims on a pro rata basis.

¹ This figure is the lesser of the total amount of the debt owing to the creditor or the value of the collateral securing said debt.

1 (f) Liquidation Analysis. The total amount distributed under paragraphs 2(d) and (e)
2 will be at least (\$15.00) which exceeds what would be available to pay unsecured claims if the
3 Debtor's estate was liquidated under Chapter 7 of the Bankruptcy Code. A discharge will not
4 be entered by the Court until said sum has been distributed, or until all allowed unsecured
5 claims have been paid in full, whichever is less.

6 3. Debtor rejects the following executory contracts and unexpired leases, and shall
7 surrender property subject to such contracts or leases:

8 N/A

9 All other executory contracts and unexpired leases shall be affirmed.

10 4. Debtor reserves the right to incur post-petition secured debts, upon prior written
11 approval of the Trustee, for items necessary to performance under this Plan.

12 5. Other provisions:

13 a) Debtor will devote all of her disposable income to the plan as required by 11 U.S.C.
14 § 1325(b)(1) and will report all changes in disposable income to the trustee.

15 b) As applicable to this case, Post-Petition mortgage payments shall be applied and
16 credited to the Debtors' mortgage account as if the account were current and no pre-petition
17 default existed on the petition date.

18 c) As applicable to this case, Pursuant to 11 U.S.C. 524(i), any creditor that seeks
19 attorneys fees under 11 U.S.C. 506(b) must file and serve a notice and fee application in
20 compliance with 11 U.S.C. 503 and under Bankruptcy Rule 2016.

21 d) Any funds held by a mortgage creditor or any other creditor in a suspense account as
22 of the petition date must return said funds to the Debtors and provide an accounting thereof.

23 e) Any funds recovered from Debtor's ex-spouse during the pendency of this case shall
24 be turned over and administered by the standing Chapter 13 Trustee as part of the bankruptcy
25 estate.

